

CLERK'S OFFICE
U.S. DISTRICT COURT
AT ROANOKE, VA
FILED

March 21, 2025

LAURA A. AUSTIN, CLERK
BY: s/ M.Poff, Deputy Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

JULLIAN A. HUFFMAN,

Plaintiff,

v.

**NURSE PRACITIONER
CRYSTAL LARGE,**

Defendant.

Case No. 7:24CV00629

OPINION AND ORDER

JUDGE JAMES P. JONES

Jullian A. Huffman, Pro Se Plaintiff; and Taylor D. Brewer and Sophia M. Miller, MORAN REEVES & CONN, PC, Richmond, Virginia, for Defendant.

The plaintiff, a former Virginia inmate proceeding pro se, filed this civil rights action under 42 U.S.C. § 1983. He alleges that while he was incarcerated, the defendant refused to prescribe Suboxone for his drug addiction. Huffman consented to pay the filing fee for the case through installments withheld from his inmate trust account. However, in late January 2025, Huffman notified the court that he had been released. The court entered an Order on January 28, 2025, notifying Huffman that since his release, he was not eligible for the installment payment method. The Order directed Huffman to pay the full filing fee or otherwise respond within thirty days, or this case would be dismissed. That thirty-day period has elapsed, and Huffman has not paid the filing fee or otherwise responded to this Order.

The defendant has filed a Motion to Dismiss. The court mailed a Notice advising Huffman that he should file any response to the motion within twenty-one days. The Notice warned Huffman that if he did not respond to the motion, the court would assume that he had lost interest in the case or did not want to pursue it. The Notice advised Huffman that if he wished to continue with the case, it was “necessary that [he] respond in an appropriate fashion,” or the court might “dismiss the case for failure to prosecute.” Notice, ECF No. 23. The record reflects that Huffman’s response to the motion was due on or before March 10, 2025. That deadline has come and gone, with no response or other communication from Huffman. Therefore, I conclude that dismissal of the action is warranted.

Based on the foregoing, it is hereby **ORDERED** that this case is DISMISSED WITHOUT PREJUDICE, because the plaintiff has failed to prosecute, by failing to respond to the court’s Order regarding the filing fee and by failing to respond to the defendant’s dispositive motion by the deadline imposed by the court. The pending motion, ECF No. 20, is TERMINATED WITHOUT PREJUDICE, and the Clerk shall close the case.

ENTER: March 21, 2025

/s/ JAMES P. JONES

Senior United States District Judge